

MINUTES OF THE REGULAR MEETING OF THE CITY COUNCIL  
TUESDAY - - APRIL 5, 2005 - - 7:30 P.M.

Mayor Johnson convened the Regular Meeting at 9:07 p.m.

ROLL CALL - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(05-136) Proclamation declaring April 3-9, 2005 as the Week of the Young Child.

Mayor Johnson read and presented the proclamation to Peter Stensrud, Woodstock Child Development Center.

Mr. Stensrud stated that after school programs are essential; thanked the Council for the proclamation.

(05-137) Update on the new main library project.

The Project Manager gave a brief project update.

Mayor Johnson stated there have been comments regarding noise issues; that a suggestion was made to hand out flyers to property owners in the area.

The Project Manager stated that he will talk with the property owners and tenants beginning next week; noted the noisiest part of the project is now; stated that he plans to post a weekly update at the Times Star building directory.

Councilmember Matarrese suggested advising the public on how to utilize the web camera for updates.

The Project Manager stated the web camera is accessible from the City and Library websites.

CONSENT CALENDAR

Councilmember Matarrese moved approval of the Consent Calendar.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*05-138) Minutes of the Special City Council Meeting, the Special Joint City Council and Community Improvement Commission Meeting, and the Regular City Council Meeting held on March 15, 2005; and Special City Council Meetings held on March 22, 2005. Approved.

(\*05-139) Ratified bills in the amount of \$4,165,275.22.

(\*05-140) Recommendation to accept the City of Alameda Investment Policy. Accepted.

(\*05-141) Recommendation to approve two-month Contract extension for William C. Norton for City Manager services. Accepted; and

(\*05-141A) Resolution No. 13824, "Requesting that the Public Employee Retirement System Board Waive the 960-Hour Rule for William C. Norton." Adopted.

(\*05-142) Resolution No. 13825, "Approving Revised Memorandum of Understanding and Salary Resolution Between the Alameda Police Officers Association Non-Sworn Unit and the City of Alameda for the Period Commencing December 28, 2003 and Ending December 24, 2006." Adopted.

(\*05-143) Introduction of Ordinance Approving and Authorizing Execution of Lease Between the City of Alameda (Lessor) and the County of Alameda (Lessee) for Real Property Located at 1429 Oak Street. Introduced.

#### REGULAR AGENDA ITEMS

(05-144) Public Hearing to consider an Appeal of the Planning Board's approval of Rezoning, R04-0002, to rezone ½ acre from R-5 to C-C; Variance, V04-0018, for a second driveway when one driveway is permitted by the Alameda Municipal Code; Use Permit, UP04-0013, for expansion of the vet clinic, and Design Review, DR04-0101, to allow a 5,300 square foot new commercial building (veterinary hospital) to replace approximately 2,000 square feet of commercial buildings, with a parking lot expansion to 23 spaces. The property is located at 1410 Everett Street, 2501 Central Avenue and 2507 Central Avenue, in the C-C Community Commercial and R-5 General Residential Zoning Districts. Applicant: Mary Applegate and Cathy Wydner. Appellant: John Barni, Jr.; and

(05-144A) Resolution No. 13826, "Upholding the Planning Board's Recommendation to Approve Rezoning R04-002, Variance V04-018, Use Permit UP04-013 and Major Design Review, DR04-101, for Construction of a Veterinary Clinic, with an amendment to include that the Applicant has a dog walking policy and that kenneling is limited to clients." Adopted.

The Supervising Planner provided a brief presentation on the project.

Mayor Johnson opened the Public Hearing.

Proponents (In favor of appeal): John Barni, Jr., Appellant (provided diagram); Monica Pena, Alameda; Heather Beales, Alameda; and Joe Meylor, Alameda.

Opponents (Not in favor of appeal): Lawrence Henderson, Alameda; Susan Corlett, Alameda; Helen Mohr Thomas, Alameda; Diane Schaffer, Oakland; Cathy Wydner, Applicant; Steve Busse, Park Centre Animal Hospital; Geni Manchester; Mary Applegate, Applicant; Nancy Matthews, Alameda (submitted letter); and Robb Ratto, Park Street Business Association (PSBA).

There being no further speakers, Mayor Johnson closed the Public Hearing.

Vice Mayor Gilmore inquired whether the Public Works Department reviewed the current site plan and verified that the plan met vehicle standards for safety and setbacks.

The Supervising Planner responded that there are hundreds of instances where buildings are up to the edge of the sidewalk in the commercial districts; stated that she would assume there were no restrictions since the Public Works Department reviewed the plan and did not raise the issue.

The Acting City Manager stated that the Engineering Department would have commented if the site distance were a problem.

Councilmember deHaan inquired whether the commercial area was willing to have dogs walk in the area, to which Mr. Ratto, PSBA, responded absolutely.

Councilmember deHaan stated dog walking in neighborhoods has always been a problem; that he feels more comfortable with the concessions [made by Applicant regarding dog walking] that have been made tonight; that he is very satisfied with the architectural design

changes; that he can live with the client only boarding concession; that he did not hear dogs barking at the site; noted that the site is a very professional and confined operation; a lot of dogs have to stay in kennels for a period of time and are picked up later in the day; that in mind, he feels comfortable with moving forward with the project.

Mayor Johnson stated that the Applicant has been very accommodating.

Councilmember Matarrese moved adoption of the resolution upholding the Planning Board's recommendation.

Vice Mayor Gilmore seconded the motion.

Under discussion, Councilmember deHaan inquired how the recommended concessions [regarding kenneling and dog walking] would be reflected in the motion.

The Supervising Planner stated the conditions of approval do not include the Applicant's agreement that only patients be kenneled on site, not general kenneling; as to walking in the neighborhood, a condition could be crafted that encourages use of streets other than Regent Street and the south side of Central Avenue, which might be difficult to enforce.

Mayor Johnson inquired whether the approval could reflect that the Applicant has an adopted dog walking policy, to which the Supervising Planner responded the dog walking policy could be incorporated.

Mayor Johnson inquired whether including the policy was acceptable to the Applicant, to which the Applicant responded in the affirmative.

Councilmember Matarrese amended his motion to incorporate reference to the Applicant's dog walking policy as well as the kenneling of client animals only.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

(05-145) Public Hearing to consider an Appeal of the Planning Board's approval of Design Review, DR04-0113, and Planned Development, PD04-0004, for the construction of a new 6,000 square foot community center and four detached sixteen-car garages, exterior modifications to existing apartment buildings, and other site modifications at the 615 unit Harbor Island Apartments

Complex. The site is located at 433 Buena Vista Avenue within the R-4 PD, Neighborhood Residential Planned Development Zoning District. Applicant: Chris Auxier for Alameda Multi Family Ventures LLC. Appellant: Lorraine Lilley; and

(05-145A) Resolution No. 13827, "Upholding the Planning Board of the City of Alameda's Decision to Approve Design Review DR04-0113 and Planned Development PD04-0004 to Construct a 6,000 Square Foot Community Center and Four Detached Garages, Exterior Modifications to Existing Buildings, and Other Site Modifications at the 615 Unit Harbor Island Apartment Complex Located at 433 Buena Vista Avenue, Located in an R-4 PD, Neighborhood Residential Planned Development Zoning District." Adopted.

The Supervising Planner provided a brief presentation on the project.

Councilmember Matarrese inquired whether asbestos abatement is part of the permitting process.

The Supervising Planner responded in the affirmative.

Mayor Johnson opened the Public Hearing.

Proponents (In favor of appeal): Lorraine Lilley, Harbor Island Tenant Association; Modessa Henderson, Harbor Island Tenant Association; Lynette Lee, Oakland; Delores Wills Guyton, Harbor Island Tenant Association; Eve Bach, Arc Ecology (submitted handout); Reginald James, Alameda; and Michael Yoshi (submitted handout).

Opponent (Not in favor of appeal): Mark R. Hartney, Alameda Multi Family Ventures.

Following Ms. Henderson's comments, Mayor Johnson inquired what type of engineering review must be done to ensure the building is structurally safe.

The Supervising Planner responded that all of the plans would be reviewed.

The Project Architect stated that work must conform with the 2001 California Building Code (CBC); noted that he is unaware of any part of the existing building that is not structurally sound; stated that the Building Department would have notified the property owners if the building was not structurally sound.

Mayor Johnson inquired whether that is how the process works.

The Supervising Planner responded that plans reviewed by the Building Department would be checked against the Alameda Building Code; stated any new construction has to be done according to the 2001 CBC; that any rehabilitation to the existing buildings needs to be done to Code, but not necessarily the 2001 CBC.

Mayor Johnson inquired whether there would be any work done that would trigger a requirement for all buildings to be brought up to code, to which the Supervising Planner responded that she was not qualified to answer the question; stated the Building Official would need to respond.

Councilmember Matarrese inquired whether any safety issues would be addressed by the Building Official before the buildings were reoccupied and whether a Certificate of Occupancy would need to be issued.

The Supervising Planner responded that the Building Code requires that only safe buildings be occupied.

The Project Architect stated that he was not aware that the Building Department identified any structural problems.

Vice Mayor Gilmore inquired how the balconies would be checked.

The Project Architect responded that a Structural Engineer would make sure that the existing balconies are structurally sound.

Mr. Hartney stated that the Community Center and any additional work on the old building needs to be built to 2001 CBC; noted that the Planning Department would check the safety of every building before a Certificate of Occupancy is issued.

The Acting City Manager stated that the exterior work is primarily cosmetic; noted that nothing was being done that would structurally change the balconies; stated that he would ensure that the Building Official check the balconies and that the American with Disabilities Act (ADA) trigger would be reviewed.

The Project Architect stated that the 2001 CBC has a provision that excludes any upgrades from complying with the ADA for residential buildings built and occupied before 1991; noted that any new work done to the Community Center needs to conform with the current standards.

Councilmember Daysog inquired whether the building would implement fire safety measures.

The Acting City Manager responded that the Fire Marshall determined that there were some Fire Code problems and notified the property owner; stated a report from the Fire Marshall indicated the problems were repaired with the exception of the fire alarm system and elevator.

The Project Architect stated that agreements have been developed with the Building, Planning and Fire Departments regarding the level of upgrades that need to be satisfied.

There being no further speakers, Mayor Johnson closed the Public Hearing.

Mayor Johnson inquired whether the Planning Department was under a deadline for the project.

The Supervising Planner responded that there is a statutory deadline under the Permit Streamlining Act; stated that once a project has been deemed complete, action needs to be taken within [60 days].

Councilmember Daysog inquired whether the approval for the Community Center was via the Permit Streamlining process and whether there are other aspects of the overall project that would be subject to the Permit Streamlining process.

The Supervising Planner responded that all discretionary permits are subject to the Permit Streamlining process which includes the Design Review and the Planned Development amendment for the Community Center and the new garage buildings.

Councilmember Daysog inquired whether there are issues other than what is being addressed tonight that are subject to the Permit Streamlining process.

The Supervising Planner responded that the structural issues are not part of the Permit Streamlining process; stated the structural and plumbing issues are not under the Planning Board's purview.

Mayor Johnson stated the Building Code Appeals Board reviews building code deviations.

The Supervising Planner stated that the Building Code Appeals Board addresses instances where a building permit is not issued because of a technical requirement when the applicant believes that an alternate method for construction would be appropriate.

Councilmember Daysog stated that it appears that acceptance of the Community Center design green lights the project and that structural issues would be dealt with administratively.

Mayor Johnson inquired whether structural findings could be brought back.

The Acting City Manager responded in the affirmative; stated an off agenda report would be provided.

Councilmember Daysog inquired what is the tenant status, to which the Acting City Manager responded there are four tenants remaining on leases or have approval from the property owners to stay for two or three months.

Mr. Hartney stated that there is a 60-day timeframe for the Permit Streamlining Act; that the deadline was in February; the Planning Board requested another study session and an extension, which was granted; stated that three tenants would be remaining as of tomorrow at noon; noted that the remaining tenants are under long-term leases.

Vice Mayor Gilmore inquired whether the cosmetic work would trigger a requirement to upgrade the electrical or plumbing, to which the Supervising Planner responded that she would provide Council information on the matter.

Vice Mayor Gilmore inquired whether the Community Center was considered an amenity to the project and whether the City has any way of regulating the size or square footage of a building that can be deemed a Community Center.

The Supervising Planner responded that there is no regulation; stated that the Fifteen Group wanted to provide an opportunity for some amenities but the building would not be a sufficient size to hold tenant meetings.

Vice Mayor Gilmore inquired whether the prior use of two units as office space was an expansion of use and whether there is an issue with Measure A, to which the Supervising Planner responded that staff would provide Council information on the matter.

Mr. Hartney stated that the plans show that the building was permitted for 615 units; noted that it is not a change of use if the owner chooses to take two units off the market to use for its own purpose, and then put the units back on the market.

Vice Mayor Gilmore inquired whether there would still be 615 units

if the two office space units return to rented units, to which Mr. Hartney responded in the affirmative.

Councilmember deHaan inquired what was the intent to upgrade the electrical and plumbing.

The Project Architect responded that drawings for improvements need to be submitted for a building permit; stated the drawings would be reviewed to ensure conformance with the conditions of approval and agreements that were negotiated through the Design Review process; noted that interior upgrade permits have already been submitted.

Mayor Johnson inquired whether the elevators, to which the Project Architect responded in the affirmative.

Councilmember Matarrese requested a review on the process of safety issues prior to occupancy and clarification on lead and asbestos abatement; inquired how the sewer issues are connected with the process of upgrading the exteriors of the buildings and whether sprinklers would be required in the building.

The Acting City Manager responded lead and asbestos abatement and sewer problems are not addressed as part of the exterior review but would take place in the ministerial part of the building permits; noted a qualified contractor would need to perform the lead and asbestos abatement work; stated that the sewer issue would probably not be triggered but should be addressed.

Councilmember Matarrese inquired whether the sewer work would be required to be done, to which the Acting City Manager stated that the sewer work should be reviewed.

The Project Architect stated that the sewer work is a condition of approval; noted that some of the work has already been done and presented to the Public Works Department.

The Acting City Manager stated that there are parts of the project which would require sprinklers.

The Project Architect stated that public hallways and common areas would be protected with a fire sprinkler system and the fire alarm system would be upgraded; stated that reports from the Applicants are required as part of the demolition permitting process; noted testing has been done for lead in the water and the reports have come back clean.

Councilmember deHaan stated that he would like to have a commitment to look at the transportation mode.

The Project Architect stated that parking has been a concern since the beginning; noted that eliminating the carports has maximized the amount of parking on the site; stated that he cannot guarantee that there will not be an overflow.

Councilmember Daysog noted that the Judge made a decision and the redevelopment project must go forward.

Mayor Johnson concurred with Councilmember Daysog; stated that information has been requested on issues raised.

Councilmember Daysog moved adoption of resolution denying the Appeal.

Councilmember deHaan seconded the motion, which carried by the following voice vote: Ayes: Councilmembers Daysog, deHaan, and Mayor Johnson -5. Noes: Vice Mayor Gilmore and Councilmember Matarrese - 2.

(05-146) Ordinance No. 2937, "Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions); Amending Subsection 30-3.2 (Combining Districts); Adding a New Subsection 30-4.22 (T-Theater Combining District); and Reclassifying and Rezoning Certain Properties Within the City of Alameda to Include the Theater Combining District." Finally passed.

Councilmember deHaan moved final passage of Ordinance.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

(05-147) Ordinance No. 2938, "Amending the Alameda Municipal Code by Amending Section 30-2 (Definitions) of Article I (Zoning Districts and Regulations) of Chapter XXX (Development Regulations) by Adding a New Section 30-6 (Sign Regulations) to Chapter XXX (Development Regulations)." Finally passed.

Councilmember Matarrese moved final passage of Ordinance.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(05-148) Michael McGhee, Alameda, stated that he wants to develop a resource guide of veterans' services available in Alameda; the Housing Authority should refer veterans seeking housing to

Operation Dignity; that he welcomes help from the City Council or private businesses.

(05-149) Deborah James, Alameda, stated that Redding Property Management Group is trying to evict tenants without going through due process.

(05-150) Reginald James, Alameda, stated that there are reoccurring fires from a malfunctioning dryer at the Esperanza Community Center; noted problems should be addressed.

#### COUNCIL COMMUNICATIONS

(05-151) Selection of Councilmember and alternate to serve as the Association of Bay Area Governments representative.

Councilmember Matarrese moved that Vice Mayor Gilmore serve as the Association of Bay Area Governments representative and Councilmember deHaan serve as the alternate.

Councilmember Daysog seconded the motion, which carried by unanimous voice vote - 5.

(05-152) Mayor Johnson read the names of the members of the newly formed Task Force: Vice Mayor Gilmore, an Alameda Unified School District Board Member, Acting City Manager Bill Norton or designee, Lorraine Lilley, Tom Matthews, Kendra Holloway, Steve Edrington, Hadi Monsef and Carol Martino.

Councilmember Matarrese inquired what was the timeframe for providing findings, to which the Acting City Manager responded 60 days.

Councilmember Matarrese inquired about the goal of the Task Force, to which the Acting City Manager responded preventing future mass evictions and creating more affordable housing.

Councilmember Matarrese inquired whether the focus would be centric to the surrounding Harbor Island Apartments or to a broader area.

The Acting City Manager responded there is more opportunity in the West End but possibilities should not be limited.

Mayor Johnson noted that information is not coordinated enough; staff in different departments reviewed building code violations and fire code violations in the Harbor Island Apartments; staff should review the issue of coordinating that information.

(05-153) Councilmember Daysog requested that staff respond to a resident's inquiry regarding the rules of operating a roving coffee shop.

Mayor Johnson stated the resident wants to operate a coffee truck in the City parking lot by the Dog Park; the resident indicated that East Bay Regional Park representative Doug Siden supports the idea.

(05-154) Councilmember deHaan stated that the Cineplex and parking structure designs are dovetailing together; requested the designs be presented at the same time and an overall design provided.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 11:37 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -APRIL 5, 2005- -5:30 P.M.

Mayor Johnson convened the Special Meeting at 5:45 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore,  
Matarrese, and Mayor Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(05-133) Public Employee Performance Evaluation; Title: City Attorney.

(05-134) Conference with Labor Negotiators; Agency Negotiators: Human Resources Director and Craig Jory; Employee Organizations: Police Association Non-Sworn (PANS), International Brotherhood of Electrical Workers (IBEW) and Management and Confidential Employees Association (MCEA).

Following the Closed Session, the Special Meeting was reconvened and Mayor Johnson announced that regarding Public Employee Performance Evaluation, the Council provided direction; and regarding Conference with Labor Negotiators, the Council obtained a briefing from Labor Negotiators.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:25 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND  
COMMUNITY IMPROVEMENT COMMISSION MEETING  
TUESDAY - - - APRIL 5, 2005 - - - 5:31 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:25 p.m.

ROLL CALL - Present: Councilmembers/Commissioners Daysog,  
deHaan, Gilmore, Matarrese, and  
Mayor/Chair Johnson - 5.

Absent: None.

The Special Joint Meeting was adjourned to Closed Session to consider:

(05-135CC/05-013CIC) Conference with Legal Counsel - Existing Litigation; Name of cases: Alameda Belt Line v. City of Alameda, Alameda Belt Line v. City of Alameda, and City of Alameda v. Alameda Belt Line.

Following the Closed Session, the Special Joint Meeting was reconvened and Mayor/Chair Johnson announced that the Council/Commission obtained briefing from Legal Counsel.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the Special Joint Meeting at 7:28 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk  
Secretary, Community Improvement  
Commission

The agenda for this meeting was posted in accordance with the Brown Act.

**APRIL 5, 2005 COMMUNITY IMPROVEMENT  
COMMISSION MINUTES PLACEHOLDER**

**The April 5, 2005 CIC Minutes have not been approved by the  
Commission.**